



February 25, 2005

SENATE BILL No. 324

DIGEST OF SB 324 (Updated February 23, 2005 5:28 pm - DI 87)

Citations Affected: IC 23-1.5; IC 25-17.6.

Synopsis: Geologist licensing. Allows geologists to form professional corporations. Redefines "geology" and "public practice of geology" in the geologist licensing statute. Provides that failure to pay a renewal fee for a licensed professional geologist results in suspension of the license. Makes conforming changes. Repeals a statute defining "survey" as the geological survey.

Effective: July 1, 2005.

Server, Simpson, Clark

January 6, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 24, 2005, amended, reported favorably — Do Pass.

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SB 324—LS 7182/DI 14+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1.5-1-8.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 8.5. "Licensed professional**
4 **geologist" has the meaning set forth in IC 25-17.6-1-6.5.**

5 SECTION 2. IC 23-1.5-2-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as
7 provided in subsections (c) and (d) and IC 25-2.1-5, a professional
8 corporation may be formed to render professional services as follows:

9 (1) One (1) or more accounting professionals may form a
10 professional corporation to render services that may legally be
11 performed only by an accounting professional.

12 (2) One (1) or more architectural or engineering professionals
13 may form a professional corporation to render services that may
14 legally be performed only by an architectural or engineering
15 professional.

16 (3) One (1) or more attorneys may form a professional corporation
17 to render services that may legally be performed only by an

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attorney.

(4) One (1) or more health care professionals may form a professional corporation to render services that may legally be performed only by a health care professional.

(5) One (1) or more veterinarians may form a professional corporation to render services that may legally be performed only by a veterinarian.

(6) One (1) or more real estate professionals may form a professional corporation to render services that may legally be performed only by a real estate professional.

(7) One (1) or more licensed professional geologists may form a professional corporation to render services that may be legally performed by a licensed professional geologist.

(b) A foreign professional corporation may be admitted to render professional services in Indiana by complying with IC 23-1.5-5.

(c) A domestic professional corporation or a foreign professional corporation admitted to render professional services in Indiana:

(1) shall have at least one (1) shareholder who is licensed in Indiana; and

(2) may have at least one (1) shareholder who is licensed under the laws of another state to render similar professional services.

(d) In addition to the professional services permitted by its articles of incorporation, a professional corporation may invest its funds in any type of investment not prohibited by law.

SECTION 3. IC 25-17.6-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "Geologist" means a person who is qualified by the person's knowledge of the principles of geology acquired by:

(1) professional education **culminating in a baccalaureate or an advanced degree in the geological sciences from an accredited college or university;** and

(2) practical experience **in the geological sciences.**

SECTION 4. IC 25-17.6-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. "Geology" means a science that has the following characteristics:

(1) Treats the earth as a whole.

(2) Includes the:

(A) investigation;

(B) analysis;

(C) classification; ~~and~~

(D) location; ~~and~~

(E) exploration;

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of the rocks and other materials that compose the ~~earth's crust,~~
earth, as they relate to geologic processes.

(3) Involves the study **and application of knowledge** of:

(A) **rocks, unconsolidated materials, fossils,** minerals, gases,
~~and liquids, and geologic materials~~ composing and contained
on and within the ~~earth's crust; and earth;~~

(B) geologic materials and processes, **including the
 morphology, chemistry, physics, biology, and mathematics
 related to geologic materials and processes;**

(C) **natural geologic materials and processes affected by
 human activities; and**

(D) **the preparation, use, and presentation of graphical
 depictions of the earth, its materials, and processes.**

SECTION 5. IC 25-17.6-1-7 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) "Public practice
 of geology" means the performance of **and acceptance of
 responsibility for the geological aspects of a public or creative
 work or** service to **or for** the public in connection with the geological
 description, location, or evaluation of:

(1) geological materials, liquids, and gases; and

(2) the natural **and human** processes **and hazards** acting upon
~~them~~ **geological materials, liquids, and gases.**

(b) The term includes geological:

(1) consulting;

(2) investigating **and exploring;**

(3) evaluating;

(4) interpreting;

~~(4)~~ **(5) designing and modeling; and**

~~(5)~~ **(6) planning related to earth and aqueous materials and
 processes;**

(7) classifying and analyzing;

(8) sampling;

(9) remediating, restoring, and mitigating;

**(10) extracting, including extracting for public utilities (as
 defined in IC 8-1-2-1) and public works;**

**(11) preparing and supervising of geological surveys and
 studies, geological maps, graphical depictions, and
 cross-sections, but excluding the public practice of land
 surveying (as defined in IC 25-21.5-1-7); and**

(12) researching.

(c) The term includes the prediction, investigation, inspection,
 interpretation, and application of any geological aspects of public

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works and public utilities related to:

(1) public welfare;

(2) safeguarding:

(A) life;

(B) health;

(C) property;

(D) natural resources; or

(E) the environment; or

(3) development of preventive or remedial measures for hazards.

(d) The term includes the prediction, investigation, inspection, interpretation, and application of any geological aspects affecting:

(1) dams;

(2) levees;

(3) impoundments;

(4) public water wells;

(5) waste disposal, spills, and rededication sites; and

(6) public utilities.

(e) The term does not include the practice of engineering (as defined in IC 25-31-1-2).

SECTION 6. IC 25-17.6-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) At least thirty (30) days before making the annual appointment to the board, the governor shall receive a list of not more than three (3) nominations for the appointment from a joint committee of the **Indiana geological survey established by IC 20-12-28-2** and representatives of professional organizations representing professional geologists in Indiana.

(b) Members appointed to the board shall be selected from the list submitted to the governor by the joint committee under subsection (a).

SECTION 7. IC 25-17.6-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The board shall meet:

(1) at least one (1) time each calendar year; and

(2) at other times considered necessary by:

(A) the chairman; or

(B) a quorum of the board;

upon being given at least ten (10) days notice.

(b) Each year the board shall:

(1) determine the cost incurred by the **Indiana geological survey established by IC 20-12-28-2** in administering the program for the licensure of professional geologists under this article; and

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(2) if necessary, adjust the amount of the:

(A) licensure fee charged under IC 25-17.6-4-7; and

(B) renewal fee charged under IC 25-17.6-5-2;

to ensure that the program is self-supporting.

SECTION 8. IC 25-17.6-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The **Indiana geological survey established by IC 20-12-28-2** shall publish each year a roster showing the names and places of business of all licensed professional geologists.

(b) Copies of the roster described in subsection (a) shall be:

(1) made available to each person licensed;

(2) placed on file at the **Indiana geological survey established by IC 20-12-28-2**; and

(3) furnished to the public upon request.

SECTION 9. IC 25-17.6-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The **Indiana geological survey established by IC 20-12-28-2** shall:

(1) establish and maintain necessary offices in Indiana;

(2) employ staff as necessary, including staff for the board; and

(3) prescribe the duties and compensation of all staff employed under subdivision (2).

SECTION 10. IC 25-17.6-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An applicant for licensure shall pay a nonrefundable fee established by regulation of the board.

(b) All fees paid to and collected by the board under this section and IC 25-17.6-5 shall be deposited in a fund under the jurisdiction of the board.

(c) The **Indiana geological survey established by IC 20-12-28-2** shall be:

(1) designated to collect and disburse funds represented by the fees described in subsection (b); and

(2) required to execute a bond, with corporate surety, in an amount to be determined by the board.

SECTION 11. IC 25-17.6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. If a person fails to pay the renewal fee within ninety (90) days after the expiration date established by the board under this chapter, the person's

~~(1) license shall be suspended and~~

~~(2) name shall be deleted from the roster described in IC 25-17.6-3-10;~~

until the renewal fee is paid.

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SECTION 12. IC 25-17.6-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If a person fails to pay the renewal fee for ~~two (2)~~ **three (3)** consecutive years, that person's license shall be revoked and may not be renewed.

(b) If a person whose license has been revoked under subsection (a) desires to be relicensed, the person:

(1) must submit an application to the board; and

(2) shall be considered as a new applicant.

SECTION 13. IC 25-17.6-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Each geologist may, upon licensure, obtain and use a seal or stamp of licensure of a design authorized by the board, containing the geologist's name and license number and the legend "**Licensed** Professional Geologist".

SECTION 14. IC 25-17.6-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A geologist may not affix the geologist's signature, stamp, or seal, or certify any report or other geological document after the geologist's license has been suspended or revoked, unless the license has been renewed or reissued.

(b) An individual who is not licensed under this article may not assume or advertise a title or description conveying the impression that the person is a geologist regardless of the place of employment of the individual.

SECTION 15. IC 25-17.6-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person who does any of the following commits a Class B misdemeanor:

(1) Falsely representing ~~oneself~~ **the person** as a licensed professional geologist in violation of IC 25-17.6-7-3.

(2) Presenting or attempting to use as the person's own a license or seal of another.

(3) Giving false or forged evidence to the board or to a member of the board in order to obtain a license.

(4) Falsely impersonating another geologist **or licensed professional geologist.**

(5) Using or attempting to use an expired or a revoked license to practice geology at any time during a period the board has suspended or revoked the license.

(6) Publicly practicing geology in Indiana or offering to publicly practice geology in Indiana without being licensed under this article in violation of IC 25-17.6-7-3.

(7) Falsely representing the person as a geologist.

SECTION 16. IC 25-17.6-1-9 IS REPEALED [EFFECTIVE JULY 1, 2005].

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SENATE MOTION

Madam President: I move that Senators Simpson and Clark be added as coauthors of Senate Bill 324.

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 13, delete "only".

Page 2, delete lines 25 through 38.

Page 3, line 19, delete "other earth and".

Page 3, line 35, delete "and earth".

Page 3, line 37, delete "and earth".

Page 4, line 1, delete "models;" and insert "**and modeling**";

Page 4, line 7, delete "extricating, including extricating" and insert "**extracting, including extracting**".

Page 4, line 9, delete "surveying and mapping, including the preparation" and insert "**preparing**".

Page 4, line 10, delete "supervision" and insert "**supervising**".

Page 4, line 13, after "IC 25-21.5-1-7); insert "**and**".

Page 4, line 14, delete "researching; and" and insert "**researching**".

Page 4, delete line 15.

Page 4, line 17, delete "and engineering".

Page 4, line 18, delete "geology".

Page 4, line 29, delete "and engineering".

Page 4, line 30, delete "geology".

Page 4, line 30, delete "facilities and structures, including:" and insert ":".

Page 4, between lines 36 and 37, begin a new paragraph and insert: "**(e) The term does not include the practice of engineering (as defined in IC 25-31-1-2).**".

Page 6, delete lines 39 through 42.

Page 7, delete lines 1 through 13.

Page 7, line 17, strike "oneself" and insert "**the person**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 324 as introduced.

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 2.

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